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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/886,239	06/20/2001	Jeffrey D. Washington	5150-48900	5831
35690	7590	07/29/2005		
MEYERTONS, HOOD, KIVLIN, KOWERT & GOETZEL, P.C. P.O. BOX 398 AUSTIN, TX 78767-0398				
			EXAMINER	
			VU, KIEU D	
			ART UNIT	PAPER NUMBER
			2173	

DATE MAILED: 07/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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## Office Action Summary

Application No.

09/886,239

Applicant(s)

WASHINGTON ET AL.

Examiner

Kieu D. Vu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05/06/05.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. In view of the Appeal Brief filed on 05/06/05, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Roach et al ("Roach", USP 6343292)

Regarding claims 1 and 9, Roach teaches steps for creating a graphical program that performs a numerical function (lines 59 of col 3 to lines 6 of col. 4), comprising

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displaying a node in a graphical program in response to user input (user can select and place an SIB on the template (col 3, lines 66-67); configuring the node to receive data values, in response to user input (configuring parameters for the node) ( col 4, line 67) (col 5, lines 33-36); configuring the node to perform a numerical function (addition, subtraction, multiplication, or division) on at least a subset of the received data values (col 5, lines 36-39), in response to user input; executing the graphical program; the node receiving a plurality of data values during execution of the graphical program (data values falls within desired range of value) ; the node determining a data collection on which to perform the numerical function, wherein the data collection comprises at least a subset of the data values received and the node performing the numerical function on the data collection (Fig. 4) ; wherein the node maintains state information regarding received data values and uses the state information to determine the data collection on which to perform the numerical function (numerical ranges) (col 5, lines 34-38). (Fig. 3-6)

Regarding claims 2 and 10, Roach teaches receiving user input requesting to specify configuration information for the node (receiving a request for creating a new service for a subscriber) (col 3, lines 59-61), displaying a graphical user interface (template of GUI 4) (col 3, lines 61) for specifying configuration information for the node, in response to the user input requesting to specify configuration information for the node (specifying parameter for the SIB icon) (col 3, lines 66-67) wherein said configuring the node to perform the numerical function on at least a

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subset of the received data values is performed in response to user input received via the GUI (col 5, lines 25-40).

Regarding claims 3 and 11, Roach teaches specifying a collection mode for the node wherein the collection mode determines the at least a subset of the received data values on which to perform the numerical function (see Mode 0, 1, or 2 of col 6, lines 1-21).

Regarding claims 4 and 12, Roach teaches the Sliding Block for the node (Mode =0, 1, 2, etc.) (col 6, lines 1-21).

Regarding claims 5 and 13, Roach teaches the node is a primitive node provided by a graphical programming development environment for inclusion in the graphical program (SIB primitive) (col 4, lines 37-46).

Regarding claims 6 and 14, Roach teaches the numerical function performed on the data collection is a summation function (addition function) (col 5, lines 50) (Fig. 5)

Regarding claims 7 and 15, Roach teaches configuring the node to receive data values comprises connecting an input terminal of the node to an output terminal of another node in the graphical program (line 66 of col 3 to line 2 of col 4).

Regarding claims 8 and 16, Roach teaches one or more output terminals corresponding to one or more numerical functions (Fig. 5); wherein said configuring the node to perform the numerical function on at least a subset of the received data values comprises connecting a first output terminal of the node to a data target in the graphical program, wherein the first output terminal corresponds to the numerical function (col 10, lines 44-57)

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4. Applicant's arguments filed 05/06/05 have been fully considered but they are moot under new ground of rejection.

5. The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action. The documents cited therein teach nodes that perform numerical functions which relate to the claim invention.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kieu D. Vu.

The examiner can normally be reached on Mon - Thu from 7:00AM to 3:00PM at 571-272-4057.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca, can be reached at 571-272-4048.

The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

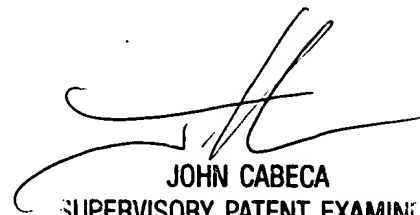
571-273-8300

and / or:

571-273-4057 (use this FAX #, only after approval by Examiner, for "INFORMAL" or "DRAFT" communication. Examiners may request that a formal paper / amendment be faxed directly to them on occasions).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703-305-3900).

Kieu D. Vu



JOHN CABECA  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100